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Practitioner's Docket No. 99PS014/KE

MAR 09 2009

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marilee G. Berry

Application No.: 09/578,567

Filed: 05/25/2000

For: Channel Identification For Digital Broadcasts In Passenger Entertainment Systems

Patent No.:

Issued:

CERTIFICATE OF FACSIMILE TRANSMISSION (CENTRALIZED FAX NUMBER)
(CT-CF) (37 C.F.R. § 1.8(a)(i)(1)(B))

I hereby certify that on March 9, 2009 the following correspondence:

Name of Paper: Request for Withdrawal of Abandonment comprising of 2 pages, Copy of Amendment comprising of 11 pages and Cover Sheet comprising of 1 page that was faxed April 11, 2008, Copy of Auto Reply Facsimile Receipt showing that 12 pages was received at the Patent Office on April 11, 2008, Copy of Applicants Fax Journal showing 12 pages were faxed to the Patent Office. Statement that the correspondence was transmitted timely. Fax Cover Sheet 1 page

Number of Pages: 18

Fees:

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is being facsimile transmitted to the Patent and Trademark Office,

(central facsimile number) (571) 273-8300.


Signature

Reg. No.: _____ (if applicable)

Telephone Number: 319-295-4862

Sheila K. Mathews

Type or print name of person certifying

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CENTRAL FAX CENTER

Practitioner's Docket No. 99PS014/KE

MAR 09 2009

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marilee G. Berry

Application No.: 09/578,567

Group No.: 2421

Filed: May 25, 2000

Examiner: C. Party

For: Channel Identification For Digital Broadcasts In Passenger Entertainment Systems

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**INFORMATION FOR WITHDRAWAL OF ABANDONMENT--
PTO HAS NO EVIDENCE THAT FAXED CORRESPONDENCE RECEIVED**

REQUEST

1. Applicant requests that the abandonment in this case be withdrawn.

PROMPTNESS OF THIS SUBMISSION

2. This information is being submitted promptly after applicant has learned of the abandonment on the basis of the Notice of Abandonment mailed by the PTO on December 19, 2008.

SUBMISSION

3. Submitted herewith is:

A copy of the complete response previously filed.

A copy of the sending unit's report confirming transmission.

STATEMENT

4. Attached hereto is a statement attesting to the timely transmission of the correspondence referred to above based on a showing believed to be satisfactory to the Commissioner.
5. Please proceed with further examination of this application on the basis of the attached copy of the papers originally filed.

REQUEST FOR WITHDRAWAL OF ABANDONMENT

6. Acknowledgment of the active status of this application is respectfully requested.

Date: 3/9/2009

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Signature of Practitioner
Gregory G. Williams
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(3)

Information for Withdrawal of Abandonment—PTO Has No Evidence That Faxed Correspondence Received—page 3 of 4

PAGE 3/18 * RCVD AT 3/9/2009 12:52:57 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/15 * DNIS:2738300 * CSID:319 295 3599 * DURATION (mm:ss):05:38

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MAR 09 2009

Practitioner's Docket No. 06CR080/KE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marilee G. Berry

Application No.: 09/578,567

Group No.: 2421

Filed: May 25, 2000

Examiner: C. Party

For: Channel Identification For Digital Broadcasts In A Passenger Entertainment Systems

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**INFORMATION FOR WITHDRAWAL OF ABANDONMENT—
PTO HAS NO EVIDENCE THAT FACSIMILE CORRESPONDENCE RECEIVED**

Statement

Attached hereto is a copy of the correspondence transmitted and proof the correspondence was received by the Patent Office on April 11, 2008. The correspondence was submitted in the time period stated in the Office Action dated January 11, 2008.



Signature

Telephone Number: 319-295-4862Sheila K. Mathews*Type or print name of person certifying*

(4)

Information for Withdrawal of Abandonment—PTO Has No Evidence That Facsimile Correspondence Received—page 4 of 4

Auto-Reply Facsimile Transmission



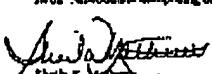
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To:	Mail Stop: Attorneys	From:	Sheila Mathews
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Fax:	571-273-6300	Fax:	319-295-8777
Tel:		Tel:	319-295-8262
Pages:	12 (including Lead)	Date:	April 11, 2008
Applicant: Berry, M. Serial No. 09/257K,167 Filed: May 25, 2000 DocID No.: 95P8014/KP For Channel Identification For Digital Broadcast In Passenger Entertainment Systems This document comprises of 11 pages			
 Sheila K. Mathews			
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<small style="font-size: small;">PAGE 117 * RCVD AT 4/11/2008 12:19 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/15 * DNIS:2738300 * CSID:319 295 3599 * DURATION (mm:ss):05:38</small>			

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***** -LEGAL DEPARTMENT- ***** - 319 295 3599- *****



Facsimile

Office of the General Counsel
400 Collins Rd. NE M/S 124-323
Cedar Rapids, IA 52498

To:	Mail Stop: Amendment	From:	Sheila Mathews
Location:	US Patent Office	Location:	124-323
Fax:	571-273-8300	Fax:	319-295-8777
Tel:		Tel:	319-295-4862
Pages:	12 (including Lead)	Date:	April 11, 2008

**RECEIVED
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MAR 09 2009**

Applicant: Berry, M.
Serial No. 09/578,567
Filed: May 25, 2000
Docket No.: 99PS014/KE
For: Channel Identification For Digital Broadcasts In Passenger Entertainment Systems
Item: Amendment comprising of 11 pages

Sheila K. Mathews

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Atty. Dkt. No. 99PS014/KE (047141-0327)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED
CENTRAL FAX CENTER
MAR 09 2009**

Applicant: Berry, Marilee G.

Title: CHANNEL IDENTIFICATION FOR DIGITAL BROADCASTS IN PASSENGER ENTERTAINMENT SYSTEMS

Appl. No.: 09/578,567

Filing Date: 5/25/2000

Examiner: Hoyle, Michael W.

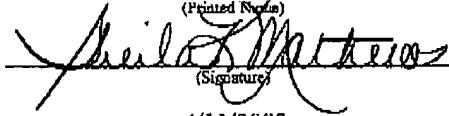
Art Unit: 2614

Confirmation Number: 6188

CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.

Sheila K. Mathews

(Printed Name)



(Signature)

4/11/2008

(Date of Deposit)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This communication is responsive to the Non-Final Office Action dated January 11, 2008, concerning the above-referenced patent application.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this document.

Remarks/Arguments begin on page 8 of this document.

Please amend the application as follows:

Atty. Dkt. No. 99PS014/KE (047141-0327)

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. – 23. (Cancelled).

24. (New) A method for providing video to a passenger seat display of an aircraft, the passenger seat display communicably coupled to a seat controller unit located in close proximity to the passenger seat display and a passenger control unit, the method comprising:

identifying digital media files stored in a digital media file server on the aircraft;

reading the digital media files and program data of the digital media files to

identify viewable programs;

generating an entry of channel assignment information in a programming database for each identified viewable program;

updating the programming database to assign a passenger control unit channel to each of the identified viewable programs;

updating the programming database to assign at least one RF channel to each of the passenger control unit channels;

receiving an input signal from the passenger control unit at the seat controller unit, the input signal representing a request to play back a selected viewable program of the identified viewable programs; and

using the seat controller and program channel assignment information of the programming database to:

tune the seat controller unit to the proper RF channel for receiving the selected viewable program; and

causing an identifier of the passenger control unit channel to be displayed.

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25. (New) The method of Claim 24, further comprising:
sending the program channel assignment information to memory in the seat controller unit, the program channel assignment information including the assignments of identified viewable programs to passenger control unit channels and the assignments of RF channels to passenger control unit channels.
26. (New) The method of Claim 24, further comprising:
receiving a second input signal from the passenger control unit at the seat controller, the input signal representing a request to increment the passenger control unit channel; and
using the seat controller and the program channel information to determine whether to change RF channels based on the second input signal.
27. (New) The method of Claim 26, further comprising:
incrementing the identifier of the passenger control unit channel.
28. (New) The method of Claim 27, wherein the identifier is displayed on the passenger control unit.
29. (New) The method of Claim 27, wherein the RF-channel is not changed although the identifier of the passenger control unit channel is incremented.
30. (New) The method of Claim 24, further comprising:
requesting a new stream containing the selected viewable program to be provided on an RF channel associated with the selected viewable program channel.
31. (New) The method of Claim 24, further comprising:
modulating the selected viewable program and another viewable program onto the RF channel associated with the selected viewable program; and

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using the seat controller to demodulate the selected viewable program from the RF channel associated with the selected viewable program.

32. (New) The method of Claim 25, further comprising:

receiving an input signal from the passenger control unit at the seat controller to change to a particular passenger control unit channel identifier;

using the seat controller to determine whether to tune to a different RF channel based on the program channel assignment information stored in the memory of the seat controller.

33. (New) The method of Claim 32, further comprising:

using the seat controller unit to determine whether to tune to a particular stream of the RF channel or the different RF channel based on the program channel assignment information stored in the memory of the seat controller; and

updating and causing to display the identifier of the passenger control unit channel;

wherein an identifier of RF channel does not match the identifier of the passenger control unit channel.

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34. (New) A system for providing video to a passenger seat display of an aircraft, the passenger seat display communicably coupled to a seat controller unit located in close proximity to the passenger seat display and a passenger control unit having a display, the system comprising:

computer memory for storing digital media files, the digital media files including program data;

a server configured to read the digital media files and program data to identify viewable programs, wherein the server is further configured to generate an entry of channel assignment information in a programming database for each identified viewable program, wherein the server is further configured to update the programming database to assign a passenger control unit channel to each of the identified viewable programs, wherein the server is further configured to update the programming database to assign at least one RF channel to each of the passenger control unit channels in the programming database;

wherein the seat control unit comprises an interface for receiving an input signal from the passenger control unit at the seat controller unit, the input signal representing a request to play back a selected viewable program of the identified viewable programs;

wherein the seat controller is configured to use the programming assignment information of the programming database to tune the seat controller unit to the proper RF channel for receiving the selectable viewable program and to cause an identifier of the passenger control unit channel to be displayed via one of the passenger seat display and the passenger control unit display.

35. (New) The system of Claim 34, wherein the server is further configured to send the program channel assignment information to memory in the seat controller unit, the program channel assignment information including the assignments of identified viewable programs to passenger control unit channels and the assignments of RF channels to passenger control unit channels.

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36. (New) The system of Claim 34, wherein the seat controller is configured to receive a second input signal from the passenger control unit, the input signal representing a request to increment the passenger control unit channel; and

wherein the seat controller is configured to determine whether to change RF channels based on the second input signal.

37. (New) The system of Claim 36, wherein the passenger control unit is configured to increment the identifier of the passenger control unit channel.

38. (New) The system of Claim 37, wherein the identifier is displayed on the passenger control unit.

39. (New) The system of Claim 37, wherein the seat controller is configured to remain tuned to an RF-channel although the identifier of the passenger control unit channel is incremented.

40. (New) The system of Claim 34, wherein the seat controller unit is configured to request a new stream containing the selected viewable program to be provided on an RF channel associated with the selected viewable program channel.

41. (New) The system of Claim 34, wherein the server is coupled to a device configured to modulate the selected viewable program and another viewable program onto the RF channel associated with the selected viewable program; and

wherein the seat controller is configured to demodulate the selected viewable program from the RF channel associated with the selected viewable program.

42. (New) The system of Claim 35, wherein the seat controller is configured to determine whether to tune to a different RF channel based on the program channel assignment information stored in the memory of the seat controller after receiving an input signal from the passenger control unit to change to a particular passenger control unit channel identifier.

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43. (New) The system of Claim 42, wherein the seat controller unit is configured to determine whether to tune to a particular stream of the RF channel or the different RF channel based on the program channel assignment information stored in the memory of the seat controller, and wherein the seat controller unit is further configured to update and cause to display the identifier of the passenger control unit channel, and wherein an identifier of RF channel does not match the identifier of the passenger control unit channel.

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REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-11 were previously cancelled. Claims 12-23 are being cancelled without prejudice.

Claims 24-43 are added. No new matter is added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 24-43 are now pending in this application.

Although the Applicant disagrees with the Examiner's arguments, the Applicant has cancelled Claims 12-23 and have added Claims 24-43 to advance prosecution of the present application.

Applicant submits that the pending Claims recite subject matter that is patentable over the cited references.

Regarding Kondo, the Examiner has acknowledged that:

"Kondo is silent on disclosing retrieving a system configuration of a passenger entertainment system, wherein the system configuration is retrievable upon activating the passenger entertainment system; identifying digital media stored in a digital media file server of the passenger entertainment, such that a programming database is generated, wherein the programming database is configured to assign multiple programming signals to the stored digital media, storing the

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program channel assignment information in the seat controller unit; and displaying on the passenger control unit the program channel corresponding to the programming signal, such that the passenger control unit enables a user to toggle between program channels, wherein the RF channels are configured to be mapped independent of an equally distributive relationship with the programming signals, wherein the passenger control unit is further configured to enable a user to toggle between programming signals and to directly select a particular programming signal”

Reed, alone or in combination with the other cited references, does not disclose the combination of elements claimed in independent Claim 24 or independent Claim 34.

In particular, Reed does not disclose “reading the digital media files and program data of the digital media files to identify viewable programs” or “generating an entry of channel assignment information in a programming database for each identified viewable program.” None of the sections of Reed identified by the Examiner teach or suggest these activities. Column 19, lines 27-47 (cited by the Examiner), discloses “a flexible data base capability for the cabin crew” and further recites “[s]uch database capability can include for example information relating to the crew, seat configurations, and passenger transaction data. This data base capability includes both data compilation and data downloading onto a permanent storage medium.” This section does not mention “reading the digital media files and program data of the digital media files to identify viewable programs” or “generating an entry of channel assignment information in a programming database for each identified viewable program.” Column 21, lines 57-63 (cited by the Examiner), also does not disclose the claimed steps and in fact does not mention reading digital media files, reading program data, identifying viewable programs, or generating entries in a programming database for identified viewable programs. Rather, Column 21 describes a controller that receives video signals “and converts these signals into BFDM format” (line 59-60). Column 25, lines 52-63 (cited by the Examiner), recites “[t]he VOD 34 can be configured with an internal monitor to provide direct access to the disk arrays.... [w]hen the computer and keyboard are connected to the server it has the ability to configure the server to its required format, format each of the disk drives, reconstruct the disk drives as required, display error

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statistics" and so on. The activities of Column 25 relate to general operational activities of a disk-based system and do not in any way disclose, teach or suggest "reading the digital media files and program data of the digital media files to identify viewable programs" or "generating an entry of channel assignment information in a programming database for each identified viewable program."

The references cited by the Examiner are similarly deficient relative to other elements of the independent Claim 24. Even assuming, *arguendo*, that the cited references disclose one of "updating the programming database to assign a passenger control unit channel to each of the identified viewable programs" and "updating the programming database to assign at least one RF channel to each of the passenger control unit channels," Applicant respectfully submits that the cited references include no disclosure, suggestion, teaching or motivation for conducting both assignments via a programming database. Similarly, "using the seat controller and program channel assignment information of the programming database to: tune the seat controller unit to the proper RF channel for receiving the selected viewable program; and causing an identifier of the passenger control unit channel to be displayed," in combination with the other claimed elements, is not disclosed by the cited references. Rather, the cited references typically teach a system whereby a head unit (e.g., ESU 22 of Reed) conducts tuning and/or control activities – not a seat controller unit.

Regarding dependent Claim 25, Reed does not disclose "sending program channel assignment information to memory in the seat controller unit, the program channel assignment information including the assignments of identified viewable programs to passenger control unit channels and the assignments of RF channels to passenger control unit channels". Column 14, lines 23-53 (cited by the Examiner) disclose "a dynamic table of the output to input connections and routing paths" in memory of the ESU 22 in the head unit of the aircraft. The routing table appears to relate more to hardware routing paths (see Reed, Figs. 6-10) than logical assignments of content and channels. Moreover, neither the head unit nor ESU 22 are "seat controller units".



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In contrast to the present Claims, Reed actually tends to teach away from storage of content and channel assignments in seat controllers and/or some amount of tuning or determining activity occurring at seat controllers. See Reed, Col. 18: “[a] key aspect of the present invention is removing all audio selection means such as tuners or switches from the passenger seat area. [t]hus, the VDB 18 merely accepts the video signal from the ESU 22 and routes it to the VDU 14. [i]n this sense, the VDB 18 is a video slave to the head unit, while the head unit ESU 22 and CCU 29 are video masters to the VDB 18.”

Applicant believes that the present Claims (24-43) are neither anticipated nor obvious under the cited art and that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 18-1722. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 18-1722.

Respectfully submitted,

Date 4/11/2008
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